



**UNITED STATES COURT OF APPEALS
FOR THE 11TH CIRCUIT**

**APPLICATION FOR LEAVE TO FILE A SECOND OR
SUCCESSIVE MOTION TO VACATE, SET ASIDE
OR CORRECT SENTENCE**

**PURSUANT to 28 U.S.C. §§ 2244 (b), 2255(h)
BY A PRISONER IN FEDERAL CUSTODY**

NAME:

Hasam Williams

PLACE OF CONFINEMENT:

Fort Dix FCI
P.O. Box 2000, JMDL, NJ 08640

PRISONER NUMBER:

97537-004

Instructions—Read Carefully

- (1) This application must be legibly handwritten or typewritten and signed by the applicant under penalty of perjury. All pleadings must be on 8½ x 11 inch paper; the Court will not accept other paper sizes. Any false statements of a material fact may serve as the basis for prosecution and conviction for perjury.
- (2) All questions must be answered concisely in the proper space on the form.
- (3) An applicant seeking leave to file a second or successive petition is required to use this form.
- (4) An applicant may use additional pages only to explain additional grounds for relief and facts that support those grounds. Separate petitions, motions, briefs, arguments, etc. should not be submitted.
- (5) In capital cases only, the use of this form is optional, and separate petitions, motions, briefs, arguments may be submitted.

- (6) Movant must show in the motion to the Court of Appeals that the claim to be presented in a second or successive habeas corpus application was not presented in a prior application and that
- (1) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or
 - (2)
 - (a) the facts underlying the claim could not have been discovered previously through the exercise of due diligence; and
 - (b) those facts, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.
28 U.S.C. § 2244 (b)
- (7) Send the completed motion, the original and two copies, to:

Clerk, U.S. Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

MOTION

1. (a) Name and location of court which entered the judgment of conviction under attack
United States District Court, Southern District of Florida,
Fort Lauderdale Division, Hon. Robin S. Rosenbaum
(b) Case number 0411-CR-60285-4-ROSENBAUM
2. Date of judgment of conviction January 31, 2014
3. Length of sentence 23 years Sentencing Judge Robin S. Rosenbaum
4. Nature of offense or offenses for which you were convicted: Conspiracy to interfere with commerce by robbery; Attempt to interfere with commerce by robbery; Carrying a firearm during and in furtherance of a crime of violence; Felon in possession of a firearm and ammunition. 18 U.S.C. §§ 1951(a); 18 U.S.C. § 924(c)(1)(A)(i); 18 U.S.C. § 922(g)(1).
5. Have you ever filed a post-conviction petition, application, or motion for collateral relief in any federal court related to this conviction and sentence?
Yes ☒ No ☐
If "yes", how many times? twice (if more than one, complete 6 and 7 below as necessary)
(a) Name of court United States District Court, S.D. of Florida
(b) Case number 17-cv-22607
(c) Nature of proceeding 28 U.S.C. § 2255

(d) Grounds raised (list all grounds; use extra pages if necessary) Application of Johnson v U.S. 576 U.S. , 135 S.Ct. 2551 (June 26, 2015) to this case demonstrates that Williams's conviction and sentence for Count 3 the §924(c) count: (1) violates due process; (2) violates the laws of the United States and results in a fundamental miscarriage of justice; and was entered in excess of the Court's jurisdiction because conspiracy and attempt to commit Honns Act robbery is not a crime of violence.
(e) Did you receive an evidentiary hearing on your petition, application, or motion?
Yes ☐ No ☒
(f) Result Denied
(g) Date of result February 21, 2019
6. As to any second federal petition, application, or motion, give the same information:
(a) Name of court United States District Court, S.D. Fla.
(b) Case number 17-cv-61395-DMM

(c) Nature of proceeding Motion for Relief Pursuant to Rule 60(b)

(d) Grounds raised (list all grounds; use extra pages if necessary) Williams was entitled to relief based on the intervening Supreme Court's decision United States v Davis, 139 S.Ct. 2319 (June 24, 2019), abrogating Ovalles II, when it found the residual clause unconstitutionally vague.

(e) Did you receive an evidentiary hearing on your petition, application, or motion?
Yes ☐ No ☒

(f) Result DENIED

(g) Date of result _____

7. As to any third federal petition, application, or motion, give the same information:

(a) Name of court _____

(b) Case number _____

(c) Nature of proceeding _____

(d) Grounds raised (list all grounds; use extra pages if necessary) _____

(e) Did you receive an evidentiary hearing on your petition, application, or motion?
Yes ☐ No ☐

(f) Result _____

(g) Date of result _____

8. Did you appeal the result of any action taken on your federal petition, application, or motion? (Use extra pages to reflect additional petitions if necessary)

(1) First petition, etc. No ☒ Yes ☐ Appeal No. _____

(2) Second petition, etc. No ☒ Yes ☐ Appeal No. _____

(3) Third petition, etc. No ☐ Yes ☐ Appeal No. _____

9. If you did not appeal from the adverse action on any petition, application, or motion, explain briefly why you did not: Counsel who was my trial counsel and
who perfected my 2255a1 indicated that it would be a waste of
judicial resources to appeal.

10. State concisely every ground on which you now claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

A. Ground one: Williams's conviction and sentence for Count 3, 18
U.S.C. §924(c) is invalid as his predicate convictions for
conspiracy and attempted Hobbs Act robbery are not violent.
Supporting FACTS (tell your story briefly without citing cases or law):
Williams received a 60-month sentence for carrying a firearm
during and in furtherance of a crime of violence. Conspiracy
and Attempt to commit Hobbs Act robbery are not crimes of
violence and as such cannot form the predicate for a
sentence enhancement based on 18 U.S.C. §924(c).

Was this claim raised in a prior federal petition, application, or motion?
Yes ☒ No ☐

Does this claim rely on a "new rule of constitutional law?" Yes ☒ No ☐
If "yes," state the new rule of constitutional law (give case name and citation):
United States v Taylor, 142 S.Ct. 2015 (2022).

Does this claim rely on "newly discovered evidence?" Yes ☐ No ☒
If "yes," briefly describe the newly discovered evidence, attach a copy (if available), state when you obtained it, and why it was not previously available to you.

- B. Ground two: Williams' conviction for possessing a firearm as a felon is unconstitutional.

Supporting FACTS (tell your story briefly without citing cases or law):

The Second Amendment of the Constitution confers upon the citizenry the right to possess firearms. Title 18 U.S.C. § 922(g) disenfranchisement clause does not align with the Nation's historical tradition of firearm regulation. History does not support the view that Founding-era legislation strip felons of the right to bear arms simply because of their status as felons.

Was this claim raised in a prior federal petition, application, or motion?

Yes ☐ No ☒

Does this claim rely on a "new rule of constitutional law?" Yes ☒ No ☐

If "yes," state the new rule of constitutional law (give case name and citation):

N.Y. State Rifle & Pistol Ass'n v Bruen, 142 S.Ct. 2111

(June 25, 2022)

Does this claim rely on "newly discovered evidence?" Yes ☐ No ☒

If "yes," briefly describe the newly discovered evidence, attach a copy (if available), state when you obtained it, and why it was not previously available to you

[Additional grounds and facts and documents supporting any alleged grounds may be set forth on extra pages if necessary]

11. Do you have any motion or appeal now pending in any court as to the judgment now under attack? Yes ☐ No ☒

If yes, Name of court _____ Case number _____

Wherefore, movant prays that the United States Court of Appeals for the Second Circuit grant an Order Authorizing the District Court to Consider Applicant's Second or Successive Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254.

Hasan Williams

Movant's Signature

I declare under Penalty of Perjury that my answers to all the questions in this motion are true and correct.

Executed on 11.22-22
[date]

Hasan Williams

Movant's Signature

PROOF OF SERVICE

Movant must send a copy of this motion and all attachments to the attorney general of the state in which applicant was convicted.

I certify that on November 22, 2022, I mailed a copy of this motion*
[date]

and all attachments to Michael E. Gilfarb at the following address:

99 N.E. 4th Street, Miami, Florida 33132-2111

Hasan Williams

Movant's Signature

* Pursuant to FRAP 25(a), "Papers filed by an inmate confined in an institution are timely filed if deposited in the institution's internal mail system on or before the last day of filing. Timely filing of papers by an inmate confined in an institution may be shown by a notarized statement or declaration (in compliance with 28 U.S.C. § 1746) setting forth the date of deposit and stating that first-class postage has been prepaid."

Hasam Williams, # 97537-004
Fort Dix FCI
P.O. Box 2000
JMDL, NJ 08640

Trenton PMDC NJ 086
TUE 22 NOV 2022 PM



Clerk of Court
Eleventh Circuit Court of Appeals
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

U.S. MARSHALS SERVICE
Atlanta, Georgia

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CLARK COUNTY